

1                               BEFORE THE  
2                               ILLINOIS COMMERCE COMMISSION  
3  
4           IN THE MATTER OF:                               )  
5    )  
6           ILLINOIS COMMERCE COMMISSION,)                )  
7           On its own motion.                               )  
8           Implementation of the Federal)                )  
9           Communications Commission's                    )  
10          triennial review order with                    )  
11          respect to local loops and                     )  
12          dedicated transport.                            )  
13    ) No. 03-0596  
14  
15                               Chicago, Illinois  
16                               February 24, 2004  
17  
18                               Met pursuant to notice at 10:00 a.m.  
19  
20                               BEFORE:  
21  
22                               MR. DAVID GILBERT, Administrative Law Judge  
23  
24                               APPEARANCES:  
25                               MAYER, BROWN, ROWE, MAW, by  
26                               MR. MARK ORTLIEB  
27                               MR. JAMES METROPOULOS  
28                               Appearing for SBC;

1 APPEARANCES (Continued)

2 SIDLEY & AUSTIN, BROWN & WOOD, LLP by  
3 MR. MARK BLOCKER and  
MR. DANIEL TWETTEN  
Appearing on behalf of TCG;

4  
5 MOORE & ROWLAND, by  
MR. STEPHEN J. MOORE  
and THOMAS H. ROWLAND  
6 Appearing for Globalcom, Inc.,  
XO Illinois, Inc. Forte Communications,  
7 Novacon, LLC QuessOne, Inc.,  
CIMCO Communications;

8  
9 ILLINOIS COMMERCE COMMISSION, by  
MATTHEW L. HARVEY  
BRANDY D.B. BROWN and  
10 SEAN R. BRADY  
Appearing for the Staff of the ICC;

11  
12 AT&T COMMUNICATIONS of ILLINOIS, by  
MS. CHERYL HAMILL  
Appearing for AT&T

13  
14 WORLDCOM, Inc, d/b/a MCI, by,  
MR. DARRELL TOWNSLEY  
Appearing for MCI;

15  
16 COVAD COMMUNICATION COMPANY, by  
MR. WILLIAM J. COBB III  
Appearing for Covad  
17 Communication Company;

18  
19 SPRINT COMMUNICATIONS, by  
MR. BRETT LEOPOLD  
Appearing for Sprint;

20  
21 McLEOD USA TELECOMMUNICATIONS SERVICES, INC,  
and TDS METROCOM, LLC, by  
MR. OWEN E. MACBRIDE  
Appearing for McLeodUSA;

22

1 APPEARANCES, continued

2 KELLEY, DRYE & WARREN, by  
3 MR. HENRY KELLY  
4 Appearing for Z-tel, COVAD;

5 THE STATE OF ILLINOIS,  
6 MS. SUSAN L. SATTER  
7 Appearing on behalf of  
8 The People of the State of Illinois;

9

10 SULLIVAN REPORTING COMPANY, by  
11 Carla L. Camilieri, CSR  
12 Steven Stefanik, CSR

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1	<u>I N D E X</u>					
2				Re-	Re-	By
3	<u>Witnesses:</u>	<u>Direct</u>	<u>Cross</u>	<u>direct</u>	<u>cross</u>	<u>Judge</u>
4	Anthony Giovannucci	226	251			271
5				276	287	
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12	MR. LEOPOLD PG.534					
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	<u>E X H I B I T S</u>		
	<u>Number</u>	<u>For Identification</u>	<u>In Evidence</u>
3	AT&T		
4	#1.0, 1.0P&2.0	217	229
5	SBC Cross		
6	#1P, 2, 3P&4P		
7	#1	233	
8	#2	237	
9	#1, 1P&3P		250
10	#4	289	
11	#1.0, 1.0-P, 1.1, 1.1-P,		375
12	2.0, 2.0-P, 2.1 & 2.1-P		375
13	AT&T		
14	#1	449	
15	#1-P		513
16	McLEOD		
17	#1	518	
18	XO		
19	#1.0-9	523	
20	#1-P		540
21			
22			

1 (Whereupon, AT&T  
2 Exhibit Nos. 1.0, 1.0P and 2.0  
3 were marked for identification  
4 as of this date.)

5 JUDGE GILBERT: Pursuant to the authority of  
6 the Illinois Commerce Commission, I now call  
7 Docket 03-0596. If I could have the appearances  
8 for the record.

9 MR. HARVEY: Appearing for the staff of the  
10 Illinois Commerce Commission, Matthew L. Harvey,  
11 Sean R. Brady and Brandy D. B. Brown. 160 North  
12 LaSalle Street, Suite C800, Chicago, Illinois  
13 60601-3104.

14 MR. BLOCKER: Good morning, your Honor, Mark  
15 Blocker and Dan Twetten on behalf of AT&T  
16 Illinois and TCG Chicago and TCG Illinois. We're  
17 from Sidley, Austin, Brown and Wood, LLP. 10  
18 South Dearborn Street, Chicago, Illinois 60603.

19 Also appearing on behalf of AT&T today  
20 is Cheryl Hamill from AT&T Law Division.

21 MR. MOORE: Steven Moore and Thomas Rowland of  
22 Rowland and Moore, 77 West Wacker, Suite 4600,

1 Chicago, Illinois 60601, appearing on behalf of  
2 AccessOne Inc., CIMCO Communications, Inc.,  
3 that's C-I-M-C-O, all caps. Focal  
4 Communications, Forte Communications, Inc., MCG  
5 Communications, Inc., doing business as MPower  
6 Communications, Inc., and Excel Illinois Inc.

7 MR. GOCKLEY: Good morning, your Honor. John  
8 C. Gockley, Gockley, G-o-c-k-l-e-y, appearing on  
9 behalf of Allegiance Telecom of Illinois, Inc.,  
10 700 East Butterfield Road, Lombard, Illinois  
11 60148.

12 MR. ORTLIEB: Appearing on behalf of SBC  
13 Illinois is Mark Ortlieb, 225 West Randolph,  
14 Suite 2500, Chicago, Illinois 60606.

15 MR. METROPOULOS: Also appearing on behalf of  
16 SBC Illinois Jim Metropoulos, Mayer, Brown, Rowe  
17 and Maw, LLP, 190 South LaSalle Street, Chicago,  
18 Illinois 60603.

19 MR. TOWNSLEY: Appearing on behalf of WorldCom  
20 Inc., d/b/a MCI, Darrell Townsley, 205 North  
21 Michigan Avenue, Suite 1100, Chicago, Illinois  
22 60601.

1           MS. SATTER:   Appearing on behalf of the people  
2           of the State of Illinois, Susan L. Satter, 100  
3           West Randolph Street, Chicago, Illinois, 60601.  
4           MR. COBB:    Appearing on behalf of COVAD  
5           Communications Company, Bill Cobb, 100 Congress  
6           Avenue, Suite 2000, Austin, Texas 78701.  
7           MR. KELLY:   Henry Kelly with Kelley, Drye and  
8           Warren, 333 W. Wacker, Chicago, Illinois 60606  
9           also appearing on behalf of COVAD Communications  
10          Company.  
11          MR. MACBRIDE:   Appearing on behalf of  
12          McLeodUSA Telecommunications Services, Inc., and  
13          TDS Metrocom, LLC, Owen MacBride and Samantha  
14          Norris, 6600 Sears Tower, Chicago, Illinois  
15          60606.  
16          MR. LEOPOLD:   Appearing on behalf of Sprint  
17          Communications Company, LP, Brett Leopold,  
18          B-r-e-t-t-, L-e-o-p-o-l-d.  I'm at 6450 Sprint  
19          Parkway, Overland Park, Kansas 66251.  
20          JUDGE GILBERT:   Okay.  With respect to the two  
21          motions that were filed by Mr. Moore on behalf of  
22          his clients -- Mr. Ortlieb, you know this is



1 coming. The instruction was to be filed by the  
2 close of business. And he didn't do that. And I  
3 don't understand why. The only excuse that would  
4 matter to me is obviously not pertinent since you  
5 are here and obviously still alive.

6 I wanted to be able to read that last  
7 night, and it wasn't here by the time I left at  
8 5:30. So I'm not sure what to do at this point.

9 Mr. Moore, do you want the afternoon to  
10 respond in writing?

11 MR. MOORE: No. We are ready is to discuss  
12 this morning.

13 JUDGE GILBERT: Okay. Well, we are not going  
14 to discuss it on this time.

15 You folks, if you want to discuss it, I  
16 can come back after we are done with  
17 Mr. Giovannucci and before we bring in Ms.  
18 Sparks, and we can talk about it on the record.  
19 Otherwise, you will go on your written filings.

20 What's your preference?

21 MR. ORTLIEB: We would like to address it  
22 orally, your Honor.

1           MR. MOORE:   We would also.

2           JUDGE GILBERT:   Okay.   We are not going to  
3   take hearing time for it.   So you can come back  
4   or remain after the break once we have completed  
5   Mr. Giovannucci testimony.   We will address it  
6   then.

7           MR. MACBRIDE:   Judge, can we set a specific  
8   time to do that?

9           JUDGE GILBERT:   I can't because I don't know  
10   how long we are going to take with Mr.  
11   Giovannucci.

12          MR. MACBRIDE:   I was assuming we were going to  
13   do this first thing.

14          JUDGE GILBERT:   We're not.

15          MR. MACBRIDE:   Hear me out.

16          JUDGE GILBERT:   Go ahead.

17          MR. MACBRIDE:   Then I was going to leave to  
18   get my materials for Ms. Sparks and come back.  
19   If we can say we are going to do it at noon or  
20   something like that, I would appreciate that.

21          JUDGE GILBERT:   Let's see after we are done  
22   with Mr. Giovannucci.   We will see if we can set

1 something at that point that would give you time.  
2 I mean, you're going to have to go back and get  
3 your stuff anyway or send somebody.

4 All right. Let's have Mr. Giovannucci  
5 in. And let's find a chair for him.

6 MR. KELLY: Your Honor, if I may make an oral  
7 motion to admit Mr. Bill Cobb to appear pro hac  
8 vice?

9 JUDGE GILBERT: I'm sorry.

10 MR. KELLY: Mr. Kelly, I'm sorry.

11 We would make an oral motion to admit  
12 Mr. William J. Cobb pro hac vice for the purpose  
13 of this hearing.

14 JUDGE GILBERT: Okay. You are admitted in the  
15 bar in what state, Mr. Cobb?

16 MR. COBB: Texas.

17 JUDGE GILBERT: You are admitted pro hac vice  
18 in this case.

19 The petitions to intervene of the  
20 Attorney General and Allegiance Telecom, any  
21 objection to either of those?

22 (No response.)

1 JUDGE GILBERT: Both are granted and permitted  
2 to intervene in the case and with respect to  
3 Globalcom, Mr. Moore, you had a comment or  
4 motion.

5 MR. MOORE: Yes. My law firm Rowland and  
6 Moore and also the law firm of Swidler, Berlin,  
7 and Sheriff, Freedman, LLP entered their  
8 appearance on behalf of Globalcom Inc. We would  
9 both like to withdraw that appearance.

10 Globalcom will still be represented by  
11 M. Gavin McCarty who has entered his appearance  
12 in this case.

13 JUDGE GILBERT: Okay. And not that it makes  
14 any difference, but did you file anything in  
15 writing entering your appearance on in the  
16 beginning.

17 MR. MOORE: Yes.

18 JUDGE GILBERT: Okay. All right. So we will  
19 now treat you as relieved of the duty as  
20 representing them in the case.

21 MR. TWETTEN: Judge, can I raise one  
22 preliminary thing. There were actually two

1 motions, Judge, one filed actually by  
2 Mr. Rowland's clients and also one filed by AT&T.

3 The AT&T motion actually effects the  
4 testimony that Ms. Sparks will be permitted to  
5 give. And so I don't know if it will be possible  
6 for your Honor to rule before then, but obviously  
7 that will be helpful in helping us to narrow what  
8 needs to be cross-examined with respect to  
9 Ms. Sparks testimony.

10 JUDGE GILBERT: All right. And I do apologize  
11 for treating both motions as having been filed by  
12 Mr. Moore on behalf of his clients. Because  
13 you're perfectly right.

14 No, I'm not ready to rule. Of course,  
15 if I grant the motion, we will just have to  
16 strike some of the cross-examination as well.

17 MR. TWETTEN: That's fine, Judge. My only  
18 concern was I thought treating them together or I  
19 wasn't even sure you were still treating the AT&T  
20 motion. I just wanted to raise it.

21 JUDGE GILBERT: Right. As I said, you are  
22 exactly right. I lumped two motions together. I

1       should not have done that.

2               I would say, though, that it's likely I  
3       will be able to rule after argument.  If you want  
4       to participate in argument, obviously, you can.

5       MR. TWETTEN:  We would.

6       JUDGE GILBERT:  If that's what you mean, rule  
7       prior to Ms. Sparks taking the stand, yes, it  
8       means arguing now.  And we are not going to do  
9       that.

10       MR. TWETTEN:  No, I understand your  
11       instruction.  I just wanted to be able to argue  
12       in the interim time before Ms. Sparks took the  
13       stand.

14       JUDGE GILBERT:  Sure.

15               Sorry about the confusion.

16       MR. TWETTEN:  That's all right.

17       JUDGE GILBERT:  Anything else?

18               (No response.)

19       JUDGE GILBERT:  All right.  Let's find a chair  
20       for the witness if we could.  Mr. Gockley, would  
21       you mind vacating.

22       MR. GOCKLEY:  (Complying.)

1 (Witness sworn.)

2 ANTHONY J. GIOVANNUCCI,

3 called as a witness herein, having been first

4 duly sworn, was examined and testified as

5 follows:

6 DIRECT EXAMINATION

7 BY

8 MR. TWETTEN:

9 Q. Good morning, Mr. Giovannucci. Could you  
10 please state your name for us.

11 A. Yes. It's Anthony J. Giovannucci.

12 Q. I'm going to hand you three documents here  
13 that we have marked for identification already as  
14 AT&T Exhibit 1, which is your public testimony  
15 that was circulated on January 14, 2004. We have  
16 marked another exhibit as AT&T 1-C to indicate  
17 that that is your proprietary testimony filed on  
18 that same date, January 14, 2004.

19 And we have marked a third document as  
20 AT&T Exhibit 2, which is your testimony filed  
21 February 4, 2004 of which there's only the public  
22 version. There is no proprietary version.

1                   And if anyone at the hearing needs  
2       copies of those, I have those available.

3                   Mr. Giovannucci, were these three  
4       exhibits testimony prepared by you and prepared  
5       at your direction?

6           A.    Yes, they were.

7           Q.    And if I were to go through and ask you  
8       the same questions that are in there and ask you  
9       those questions today, would you give the same  
10      answers?

11          A.    Yes, I would.

12          Q.    Do you have any corrections to make to  
13      those three exhibits?

14          A.    We do need to correct my business address.  
15      I moved my office in the last couple of weeks and  
16      the does not reflect my current address.

17          Q.    And what is your current address?

18          A.    My current address is One AT&T Way, W.  
19      Milford, New Jersey.  And I haven't learned the  
20      zip code yet.

21          Q.    Aside from that change, are there any  
22      other corrections to these three exhibits?



1           A.   No, there are not.

2           MR. TWETTEN:   Your Honor, at this time we  
3           would move that these exhibits be taken into the  
4           record.

5           JUDGE GILBERT:   Could you just repeat the  
6           exhibit numbers as you have them?

7           MR. TWETTEN:   Sure.   AT&T 1, Exhibit 1, is the  
8           Giovannucci public testimony filed on January 14,  
9           2004.

10          JUDGE GILBERT:   Right. And how have you  
11          numbered the proprietary?

12          MR. TWETTEN:   1-C and if that's not  
13          acceptable, we can number it a different way.

14          JUDGE GILBERT:   Yeah, let's make it 1P if you  
15          would.

16          MR. TWETTEN:   That's fine.

17          JUDGE GILBERT:   The way it's presented here  
18          but forgive the pickiunish nature of this, but I  
19          want to keep a clean record.

20                 The proprietary is listed as 1.0 as I  
21          have it.   And I'll make it.   Let me go in the  
22          other direction.   I will make -- the public is

1       1.0.   the proprietary is 1.0P.   And the rebuttal,  
2       which is public only is 2.0.

3           MR. TWETTEN:   That's correct.

4           JUDGE GILBERT:   Fair enough?

5           MR. TWETTEN:   Fair enough.

6                   And if those are accepted into the  
7       record, Mr. Giovannucci is available for  
8       cross-examination.

9           JUDGE GILBERT:   First, is there any objection  
10       to the admission of the testimony?

11          MR. ORTLIEB:   No.

12          JUDGE GILBERT:   All right.   AT&T 1.0, 1.0P and  
13       2.0 are admitted.

14                           (Whereupon AT&T  
15                           Exhibit Nos. 1.0, 1.0P and 2.0  
16                           were admitted into evidence.)

17                   Mr. Ortlieb, do you want to cross?

18          MR. ORTLIEB:   Mr. Metropoulos will be  
19       cross-examing the witness this morning.

20          MR. METROPOULOS:   Thank you, Your Honor.

21       BY MR. METROPOULOS:

22           Q.   Good morning, Mr. Giovannucci.   How are

1       you today?

2           A.   Great.   Thank you.

3           Q.   Good.   I would like to start by talking to

4       you about high capacity loops, and in particular

5       I would like to discuss the self-provisioning

6       trigger for DS-3 loops.

7                   And I would like you to turn to your

8       rebuttal testimony, Exhibit 2.0.

9                   My copy has Page 13, line 265.

10                  Are you with me?

11           A.   Yes, I am.

12           Q.   Okay.   There is -- at that point you say

13       that AT&T's loops should not count towards the

14       trigger for DS-3 because, quote:   AT&T deploys

15       loops in Illinois only at the OCN level.

16                  Do you see that?

17           A.   Yes, I do.

18           Q.   Now, OC stands for optical carrier

19       facility, correct?

20           A.   Yes, it does.

21           Q.   And the N in OCN stands for the capacity

22       of that facility expressed as a number of DS-3s;

1       isn't that true?

2           A.   Yes.

3           Q.   So an OC-3 facility means that's its  
4       capacity is equivalent to three DS-3s, just as  
5       you say at the bottom of Page 13 of your  
6       rebuttal, correct?

7           A.   Yes.

8           Q.   Similarly, OC-12 means the capacity is  
9       equivalent to 12 DS-3s, correct?

10          A.   That is correct.

11          Q.   Now, you are aware Mr. Giovannucci, aren't  
12       you, that's an optical carrier facility may be,  
13       as they say, channelized to provide DS-3 service,  
14       true?

15          A.   Yes, it may.

16          Q.   And you are aware that SBC's Mr. Sander  
17       describes that process in his rebuttal testimony.

18                Did you see that?

19          A.   I don't know that I saw his -- the  
20       description in his rebuttal but...

21          Q.   Okay.

22          A.   But --

1           Q.   There is such a process basically?

2           A.   There is.

3           Q.   So a carrier can deploy an OC level

4           facility and then channelize that facility into

5           providing DS-1 or DS-3 level services; isn't that

6           true?

7           A.   That is true.

8           Q.   And, in fact, at least some carriers have

9           done just that, true?

10          A.   True.

11          Q.   As you sit here today, can you

12          definitively testify that there are any DS-3

13          loops in the State of Illinois that were not

14          deployed by channelizing an OC-3 facility or an

15          OC level facility?

16          A.   Can you please repeat the question.

17          Q.   Sure.

18                What I'm asking is, can you testify

19          today if -- that there are any DS-3 loops in the

20          State of Illinois that were not deployed by

21          channelizing an OCN facility?

22          A.   By AT&T or by anyone?

1           Q.   By any carrier?

2           A.   By any carrier?

3           Q.   And if you don't know what another carrier

4   has done then --

5           A.   I can't say that there is not a carrier

6   that hasn't done that.

7           Q.   Okay.   Thank you.

8           MR. METROPOULOS:   I would like to mark as SBC

9   Illinois Cross-exhibit, a five-page document.

10   Should we start with the cross-exhibit 1?

11          JUDGE GILBERT:   Yes.

12          MR. METROPOULOS:   Thank you.

13                               (Whereupon, SBC Cross

14                               Exhibit No. 1 was

15                               marked for identification

16                               as of this date.)

17          MR. METROPOULOS:   And the document is response

18   to SBC Illinois Data Request No. 17, which is

19   followed by a document titled ONnet customer

20   locations in Illinois.

21          BY MR. METROPOULOS:

22          Q.   Now this is a confidential document.   I

1       will be asking some questions about it. But just  
2       to clarify, Mr. Giovannucci, I do not intend to  
3       ask you any questions about the confidential  
4       information that appears on the document or any  
5       information about any specific customer  
6       locations. If we get to a point where you feel  
7       like you would have to provide that kind of  
8       information, let me know, and then we can make  
9       the appropriate arrangements?

10       A. Okay.

11       Q. After you had the chance to review it,  
12       just let me know and I will proceed with a few  
13       questions. Ready?

14       A. Yes, I am.

15       Q. Thank you. Mr. Giovannucci, have you had  
16       the chance to review SBC Cross-exhibit 1?

17       A. Yes, I have.

18       Q. Do you recognize this to be part of AT&T's  
19       response to SBC Illinois first set of data  
20       requests?

21       A. It appears to be, yes.

22       Q. Thank you. You also recognize this to

1 include a list of all customer locations to which  
2 AT&T has deployed h-i-g-h capacity loops in the  
3 State of Illinois?

4 A. Yes, sir. That's what the list appears to  
5 be, yes.

6 Q. Thank you. Based on your testimony about  
7 AT&T's practice in your rebuttal, am I correct,  
8 that you would say that all of these are OCN  
9 facilities?

10 A. Yes, I would say all these locations are  
11 served in the OCN facilities, yes.

12 Q. Is it your testimony, as you sit here  
13 today, that AT&T has not channelized a single one  
14 of these loops to provide DS-3 service?

15 A. That is not my position, no.

16 Q. In fact, AT&T has channelized some of  
17 these loops to provide DS-3; is that correct?

18 A. That is correct.

19 Q. Does it indicate on on Exhibit 1 whether  
20 any particular loop was channelized or not  
21 channelized?

22 A. It does not.



1           Q.   So for all we know, isn't it true, that  
2           all of these loops could have been channelized to  
3           provide DS-3 service?

4           A.   It is possible.

5           Q.   That is something that you can't rule out  
6           as you sit here today?

7           A.   That's right, not based on what's here.

8           Q.   Okay.  Now, did you review any of the  
9           facilities' records for any of these loops to  
10          determine whether or not they had been  
11          channelized?

12          A.   I did not personally, no.

13          Q.   Okay.  And did you have someone else do  
14          so?

15          A.   No, I did not.  I did not prepare this  
16          list.

17          Q.   AT&T is your employer, correct?

18          A.   That is correct.

19          Q.   Did you ask AT&T for the records for these  
20          loops to find out if they had been channelized?

21          A.   I did not.

22          Q.   Did you go into the equipment rooms at any

1 of these buildings and find out if any of these  
2 loops had or had not been channelized?

3 A. I did not.

4 Q. Did you ask your employer, AT&T, if you  
5 could go out and look at the equipment rooms?

6 A. I did not.

7 Q. I would like to now show you what's been  
8 marked -- or what's about to be marked as SBC  
9 Cross-exhibit 2. It's a six-page document titled  
10 AT&T Optical Private Lines Solutions.

11 (Whereupon, SBC Cross  
12 Exhibit No. 2 was  
13 marked for identification  
14 as of this date.)

15 THE WITNESS: Okay. I reviewed it

16 BY MR. METROPOULOS:

17 Q. Your company, AT&T, has an internet web  
18 site, true?

19 A. That's true.

20 Q. Do you recognize this to be a document  
21 that's available on that web site?

22 A. I have not visited to see if this actual

1       one is there, but it appears to be from the  
2       AT&T.com web site.

3       Q.   And, in fact, that's the AT&T logo on the  
4       bottom right-hand corner of the cover page?

5       A.   Yes, it is.

6       Q.   Okay.   And if I were to tell you that I  
7       downloaded this document last night at about 7:00  
8       p.m. from www.business.AT&T.com /content  
9       /domestic underline P1PL. PDF, would you disagree  
10      with me?

11      A.   I don't know that I could disagree, but I  
12      would be suspicious.   There's references in here  
13      from quotes with Mike Armstrong who hasn't been  
14      with the company for year and a half, but other  
15      than that.

16      Q.   Okay.   Subject to checking my navigation  
17      on the internet, would you accept this to have  
18      been downloaded by me on the web site?

19      A.   Yes.

20      Q.   If I could actually spit out all of that,  
21      I must have done it, right?

22                Okay.   Look at Page 4 of Cross-exhibit

1       2.   And I'm looking at the last paragraph which  
2       begins at the bottom of the right-hand column.

3               Do you see that?

4       A.   There is no page numbers on my --

5       Q.   Oh, I'm sorry.   Look at the fourth page  
6       then.

7       A.   Service options for expanding revenue?

8       Q.   Yes, that's the section.

9       A.   Okay.

10       Q.   Then the very last paragraph, beginning,  
11       currently available.

12               Do you see that?

13       A.   Yes.   Currently available for SONET...

14       Q.   Doesn't that say -- or the full sentence  
15       say, quote:   Currently available for SONET OC-3  
16       and OC-12 services, this AT&T multiplexing option  
17       allows for channelization and an economic means  
18       to separate and transmit lower capacity DS-1,  
19       DS-3 and/or OC-3 signals.

20       A.   It does say that, yes.

21       Q.   Okay.   Now I'd like to show you a document  
22       that is not going to be marked as an excerpt

1       because it's an except of triennial order. And I  
2       think everybody has enough copies of that.

3                               (Tendering document.)

4       MR. TWETTEN: Jim, just to save time, what  
5       section are you looking in?

6       MR. METROPOULOS: I will be asking a question  
7       about Paragraph 298.

8       MR. TWUETTEN: Thank you.

9       BY MR. METROPOULOS:

10       Q. You have reviewed the triennial review  
11       order, correct?

12       A. Yes, I have.

13       Q. And particularly, the discussion on  
14       high-capacity loops?

15       A. Yes.

16       Q. Looking at Paragraph 298 of the excerpts  
17       that I just handed you, doesn't the last sentence  
18       there say, quote: Record evidence reveals that  
19       both AT&T and WorldCom have self-provisioned DS-3  
20       circuits to many customer locations?

21       A. It does say that, yes.

22       Q. Thank you.

1                   I'd like to move onto dedicated  
2   transport.   But I would still like to talk to you  
3   about this relationship between optical carrier  
4   and DS-3.   Ready?

5           A.   Auh-huh.

6           Q.   Turning to Page 12, line 236 of your  
7   rebuttal testimony.   Are you with me?

8           A.   Auh-huh.

9           Q.   And you say there that the deployment of  
10   OC-12 transport does not mean that there is DS-3  
11   transport deployed because OC-12 deployment does  
12   not mean there is equipment in place to provision  
13   DS-3 transport or the spare capacity to do so.

14                   Do you see that?

15          A.   Yes.

16          Q.   I would like to talk to you about what  
17   equipment would be in place to provision DS-3  
18   transport.

19                   Could one such piece of equipment be  
20   what is called a digital cross-connect?

21          A.   A digital cross to -- all right.   So let's  
22   step back and start -- ask the question over

1       again.

2           Q.    Sure.   Talking about the process of

3       provisioning a DS-3 or, as they say, channelizing

4       DS-3 transport out of an optical care facility?

5           A.    Okay.

6           Q.    Would one piece of equipment that could be

7       used for that process be something that's called

8       a digital cross-connect?

9           A.    Yes, it could.

10          Q.    And some examples of the type of product

11       we'd be talking about would be a Tellabs Titan

12       5500?

13          A.    That's correct.

14          Q.    Another example might be an Alcatel?

15          A.    That's correct also.

16          Q.    Or a Lucent DA CS-4?

17          A.    I'm not as familiar with the -4.   I don't

18       know that you can take an optical carrier signal

19       and go down to DS-3 in the lucent.   So I would

20       say I'm not sure about that one.

21          Q.    Okay.   So you are sure about Tellabs and

22       Alcatel.   You don't no one way or the other about

1       Lucent?

2           A.   That's correct.

3           Q.   Okay.  Could the equipment used to

4       channelize DS-3 transport also include something

5       that is called an OC-48 add-drop multiplexor?

6           A.   Yes, it could.

7           Q.   Okay.  And could that equipment also

8       include something called fiber distribution

9       panels?

10          A.   No.  The fiber distribution panel would

11       not be cable of taking an OC signal down to

12       DS-3s.

13          Q.   Okay.  Would the equipment to channelize

14       DS-3 transport also include something called

15       either a DSX 1 or DSX 3 cross-connect?

16          A.   It would not.

17          Q.   Okay.  The -- so of the inventory that I

18       just gave you, the pieces that would be involved

19       in deploying DS-3 transport would be the digital

20       cross-connect and the add-drop multiplexor,

21       correct?

22          A.   That's transport not in the training of



1 review sense, but transport as a generic term  
2 that's correct, yes.

3 Q. Now, you are not testifying, are you, that  
4 AT&T does not have that equipment in place  
5 anywhere, are you?

6 A. I am not.

7 Q. Okay. I'd like to mark as an exhibit a  
8 multi-page document. This one will be  
9 confidential, and I do have a confidential  
10 question to ask about that.

11 JUDGE GILBERT: Okay. Let's get set up and  
12 then we will go in camera.

13 Is this SBC Cross 3?

14 MR. METROPOULOS: Yes. Cross-exhibit 3.

15 Just for your information, I will only  
16 be asking you about one page, which is  
17 Page 8.

18 THE WITNESS: Okay.

19 JUDGE GILBERT: Do you have some business to  
20 do before we need to go in camera or would you  
21 recommend we go right now?

22 MR. METROPOULOS: I would go right now because

1 I will have two questions and they will probably  
2 both be --

3 JUDGE GILBERT: Okay. All right. Let's  
4 indicate on the record we are going into camera  
5 from this point forward, and I will let you know  
6 when we are out. Go ahead.

7 MR. METROPOULOS: Thank you, your Honor.

8 (Whereupon, the following  
9 proceedings were held  
10 in camera.)  
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